

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

LINDA GONZALES-LEATHERMAN,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 1:15-cv-01039
	§	
HARTFORD LIFE AND ACCIDENT	§	
INSURANCE COMPANY,	§	
	§	
<i>Defendants.</i>	§	

**NOTICE OF REMOVAL**

Defendant Hartford Life and Accident Insurance Company (“Hartford” or “Defendant”) files this Notice of Removal and, in support thereof, would show the Court as follows:

1. On September 15, 2015, Plaintiff Linda Gonzales-Leatherman (“Plaintiff”) filed her Original Petition (the “Petition”) in Cause Number D-1-GN-15-004002, in the 126<sup>th</sup> District Court of Travis County, Texas. Defendant was served on October 19, 2015. Defendant filed its answer in the State Court on November 6, 2015.

2. Pursuant to 28 U.S.C. § 1446(a) attached hereto are copies of all process, pleadings and orders served upon Defendant and all pleadings and orders in the removed case. In particular: (i) an index of the matters filed herewith is attached as Exhibit A; (ii) a copy of the citation and executed service return is attached as Exhibit B; (iii) a copy of the Plaintiff’s petition is attached as Exhibit C; (iv) a copy of Defendant’s answer is attached as Exhibit D; (v) a copy of the docket sheet in the state court action is

attached as Exhibit E; and (vi) a list of all counsel of record, including addresses, phone numbers, and the parties represented is attached as Exhibit F.

3. This notice of removal is timely filed under 28 U.S.C. §1446(b) because it is filed within thirty days after Defendant first received a copy of a paper from which it could first be ascertained that the case is one which is or has become removable; *i.e.*, Plaintiff's Original Petition.

4. The claims asserted against Defendant are civil actions over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. At the time this action was commenced, Plaintiff was, and still is a citizen of the State of Texas because she is an individual resident of the State of Texas. Defendant was, at the time this action was commenced, and still is, a citizen of the State of Connecticut because it is incorporated under the laws of the State of Connecticut and has its principal place of business in Connecticut. Thus, complete diversity of citizenship exists.

6. The amount in controversy exceeds \$75,000 based on Plaintiff's claims for long-term disability benefits and Plaintiff's additional claims for alleged Insurance Code and DTPA violations and alleged additional and treble damages and attorney's fees.

7. The one-year statute of limitation on removal of diversity cases imposed by 28 U.S.C. § 1446(b) does not prevent removal because this action was commenced less than one year ago.

8. Notice to State Court. Pursuant to 28 U.S.C. § 1446(d), Defendant intends to serve written notice of this removal on the state court promptly after filing this Notice of Removal.

FOR THESE REASONS, Defendant hereby effectuates removal of this cause to this Court.

Respectfully submitted,

/s/ Laura J. Grabouski

Laura J. Grabouski

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Brittan L. Buchanan

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**ATTORNEYS FOR DEFENDANT  
HARTFORD LIFE AND ACCIDENT  
INSURANCE COMPANY**

**CERTIFICATE OF SERVICE**

I hereby certify that on November 17, 2015, a true and complete copy of the above and foregoing instrument has been served via facsimile, electronically and/or certified mail, return receipt requested on Plaintiff's counsel Marc S. Whitehead and J. Anthony Vessel, Marc Whitehead & Associates, L.L.P., 5300 Memorial Drive, Suite 724, Houston, Texas 7007

/s/ Laura J. Grabouski

Laura J. Grabouski